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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,484	12/11/2003	Rudolf Petermann	600.1300	7698
23280	7590	09/10/2004		
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018				
			EXAMINER FERGUSON, MARISSA L	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,484	PETERMANN, RUDOLF	
	Examiner	Art Unit	
	Marissa L Ferguson	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/11/03 & 7/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-8,10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wurhl et al. (US Patent 5,163,012).

Regarding claim 1, Wurhl et al. teaches a device (12) graphically superimposing, on printing material (P) printed by the printing material processing machine, data to be displayed (Abstract and column 1, Lines 46-54).

Regarding claim 2, Wurhl et al. teaches wherein the superimposing device is a projection device (7,8 and Column 13, Claims 5 and 7).

Regarding claim 3, Wurhl et al. teaches wherein the data is values for opening of ink zones in at least one inking unit of a printing press (Column 5, Lines 62-64).

Regarding claim 4, Wurhl et al. teaches wherein the projection device is a data or video projector (7) having an adjustable lens system (8).

Regarding claim 5, Wurhl et al. teaches wherein the projection device projects strip shaped light beams using the lens system (See Figure 1, elements 11a-c project strip shape beams K).

Art Unit: 2854

Regarding claim 6, Wurhl et al. teaches a projection device that projects at least one light beam (11a-c), a length of the light beam being variable using the lens system (Beams 11a-c show variable beams displayed in Figure 1).

Regarding claim 7, Wurhl et al. teaches an operating device for adjusting the opening of the ink zones, the operating device transmitting a signal corresponding to the opening of at least one ink zone to the display device (Column 3, Lines 63-68, Column 4, Lines 1-12 and elements 2A,2B).

Regarding claim 8, Wurhl et al. teaches a display device (See elements 4,16 and 33) for graphically displaying the printing material and for graphically superimposing the data to be displayed on the graphically display of the printing material.

Regarding claim 10, Wurhl et al. teaches values for the opening of ink zones that are displayable so as to be visually differentiable from the printing material (element 12B is a colorimeter which is used for determining and specifying colors).

Regarding claim 11, Wurhl et al. teaches a printing press having the device for displaying data as recited in claim 1 (Column 2, Lines 46-54, Column 12, Claim 1 and Figure 1).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

Art Unit: 2854

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurhl et al. (US Patent 5,163,012) in view of Loffler et al. (US Patent 6,748,860).

Wurhl et al. teaches the invention with the exception of an operating device that has a touch screen for adjusting the data to be displayed. Loffler et al. teaches an inking control system with an embodiment that can be used with a touch-screen method. It would have been obvious to one of ordinary skill at the time the invention was made to modify the invention as taught by Wurhl et al. to include a touch-screen monitor as taught by Loffler et al., since Loffler et al. teaches that it advantageous for the operator to easily control and adjust the data.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854



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